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| POLAROID CORPORATION PATENT DEPARTMENT 1265 MAIN STREET WALTHAM, MA 02451 | | | AVELLINO, JOSEPH E | |
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| | | 2143 | | |

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/870,538

APR 10 2006

Filing Date: May 30, 2001

Technology Center 2100

Appellant(s): PRUEITT ET AL.

Gaetano D. Maccarone
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 27, 2006 appealing from the Office action mailed July 25, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. The brief is deficient because the summary does not provide a concise explanation of the subject matter referring to the specification and to the drawings by reference characters.

(6) Grounds of Rejection to be Reviewed on Appeal

NEW GROUND(S) OF REJECTION

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Claims 1-3, 5-7, 9, 11, 12, 17-20, 22-24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear et al. (WO 01/03040) (hereinafter Klear) in view of Devarics (USPN 6,553,240) in view of Cottrell et al. (USPN 5,694,484) (hereinafter Cottrell).

Claims 4, 8, 13-15, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear in view of Devarics in view of Cottrell as stated in the claims above, and further in view of Fidler (USPN 6,725,051).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-7, 9, 11, 12, 17-20, 22-24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear et al. (WO 01/03040) (hereinafter Klear) in view of Devarics (USPN 6,553,240) in view of Ishizuka (US 2002/0065873).

Referring to claim 1, Klear discloses a method of providing a service (i.e. purchasing tickets to a movie) at a device and generating, at the location of said device a permanent record (i.e. bar-coded receipt) of said service, said service and said permanent record being process by at least one of a plurality of remote servers (Figure 5, ref. 26), said method comprising the steps of:

receiving at a receiving server, from the device a request for the service (i.e. request to purchase tickets to a movie) (p. 10, lines 28-30);

providing from the receiving center, data for the request to a service server, said service center being one of said at least one of a plurality of remote servers (p. 10, lines 28-30);

processing the request for service at the service server, said processing generating the data for the service (i.e. generating a response acknowledging the purchase of the movie tickets) (p. 10, lines 28-34);

providing said data for the service to a printing server (i.e. the movie theater POS server), said printing server being one of the plurality of remote servers (pl. 10, lines 28-34);

processing, at the printing server, said data and other stored data to generate input data (i.e. barcoded ticket) for a specific printer (it is inherent that if an object is to be printed it must be formatted in a manner such that it can be read by the printer);

transmitting to said device said input data, said input being rendered by the specific printer at the location of said device as the permanent record (p. 10, lines 28-34).

Klear does not disclose that the device is a mobile device and that the input data transmitted to the mobile device is rendered by the specific printer at the location of the mobile device. In analogous art, Devarics discloses another method to print information off of the Internet which allows input data transmitted to the mobile device (i.e. WAP device 100) to be rendered by a specific printer 120 at the location of the mobile device (it is understood that infrared 110 is a proximal method of communication between devices and that the printer must be at the location of the WAP device 100) (Figure 1; col. 7, lines 29-44). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Devarics with Klear since Klear discloses the usage of purchasing movie tickets via a portable device stored on the portable device without needing a hard copy while the PC requires a printout copy of the bar code (p. 10, lines 19-32). This would lead one of ordinary skill in the art to search to combine these two methods eventually arriving at Devarics and its novel method of transferring WAP printing data to a wireless printer via an infrared link (Figure 1).

Klear in view of Devarics does not specifically disclose receiving information identifying a specific printer on which to print the permanent record, and the printing server including stored print data for optimizing the quality of prints printed on various specific printers. In analogous art, Ishizuka discloses another method to print information off the Internet which includes receiving information identifying a specific printer on which to print the permanent record (e.g. abstract "*printer selected by the user*"; p. 5, ¶ 48) as well as the printing server including stored print data for optimizing the quality of prints (i.e. printer drivers for interfacing the software with the printer, this is

considered "print data for optimizing the quality of prints" since the driver allows the print data to be formatted appropriately for the type and size of the printer, and the printer server converts the file to a format readable by the printer "regardless of the fonts, software, and operating system of the wireless mobile device 106") printed on various specific printers (Figure 4, ref. 413; Figure 6, ref. 607; p. 4, ¶ 43; p. 5, ¶ 49). It would have been obvious to one of ordinary skill in the art to combine the teaching of Ishizuka with Klear and Devarics in order to provide the user the ability to print to a printer which is not earlier known to the user, such that the server has the ability to adapt to the user allowing greater flexibility to the system and increasing the user's ability to utilize the system.

Claim 2 is rejected for similar reasons as stated above.

Referring to claim 3, Klear discloses completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said at least one of a plurality of remote servers (p. 10, lines 28-32).

Referring to claim 5, Klear discloses sending a message confirming that the request for service has been fulfilled (p. 10, lines 28-32).

Referring to claim 7, Klear discloses the receiving server is the service server (p. 10, lines 28-32).

Claim 9 is rejected for similar reasons as stated above.

Referring to claim 11, Klear discloses the requested service is an event ticket (p. 10, lines 28-32).

Referring to claim 12, Klear discloses the requested service is a coupon (the Office takes the term coupon as a tangible entity which can be exchanged for goods or services, as in the printed bar code) (p. 10, lines 28-32).

Claims 17-20, 22-24, and 30 are rejected for similar reasons as stated above.

Claims 4, 8, 13-15, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear in view of Devarics in view of Ishizuka as stated in the claims above, and further in view of Fidler (USPN 6,725,051).

Referring to claim 4, Klear in view of Devarics in view of Ishizuka discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Ishizuka do not specifically disclose receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device. In analogous art, Fidler discloses another location based service provider which discloses receiving at the receiving server data on the location of the mobile

device, said data generated by means for determining the location of the device (col. 2, lines 3-14). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Ishizuka in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claim 8 is rejected for similar reasons as stated above.

Referring to claim 13, Klear discloses the requested service is a location based service (i.e. a movie theater) (e.g. abstract).

Referring to claim 14, Klear in view of Devarics in view of Ishizuka discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Ishizuka do not specifically disclose the determining the location of the devices is a device-based method. Fidler discloses that the determining the location of the device is a device-based method (col. 2, lines 10-12). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Ishizuka in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the

user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Referring to claim 15, Klear in view of Devarics in view of Ishizuka discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Ishizuka do not specifically disclose the determining the location of the devices is a network-based method. Fidler discloses that the determining the location of the device is a network-based method (col. 7, lines 1-30). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Ishizuka in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claims 25-28, and 36 are rejected for similar reasons as stated above.

Claims 1-3, 5-7, 9, 11, 12, 17-20, 22-24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear et al. (WO 01/03040) (hereinafter Klear) in view of Devarics (USPN 6,553,240) in view of Cottrell et al. (USPN 5,694,484) (hereinafter Cottrell).

Referring to claim 1, Klear discloses a method of providing a service (i.e. purchasing tickets to a movie) at a device and generating, at the location of said device a permanent record (i.e. bar-coded receipt) of said service, said service and said permanent record being process by at least one of a plurality of remote servers (Figure 5, ref. 26), said method comprising the steps of:

receiving at a receiving server, from the device a request for the service (i.e. request to purchase tickets to a movie) (p. 10, lines 28-30);

providing from the receiving center, data for the request to a service server, said service center being one of said at least one of a plurality of remote servers (p. 10, lines 28-30);

processing the request for service at the service server, said processing generating the data for the service (i.e. generating a response acknowledging the purchase of the movie tickets) (p. 10, lines 28-34);

providing said data for the service to a printing server (i.e. the movie theater POS server), said printing server being one of the plurality of remote servers (pl. 10, lines 28-34);

processing, at the printing server, said data and other stored data to generate input data (i.e. barcoded ticket) for a specific printer (it is inherent that if an object is to be printed it must be formatted in a manner such that it can be read by the printer);

transmitting to said device said input data, said input being rendered by the specific printer at the location of said device as the permanent record (p. 10, lines 28-34).

Klear does not disclose that the device is a mobile device and that the input data transmitted to the mobile device is rendered by the specific printer at the location of the mobile device. In analogous art, Devarics discloses another method to print information off of the Internet which allows input data transmitted to the mobile device (i.e. WAP device 100) to be rendered by a specific printer 120 at the location of the mobile device (it is understood that infrared 110 is a proximal method of communication between devices and that the printer must be at the location of the WAP device 100) (Figure 1; col. 7, lines 29-44). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Devarics with Klear since Klear discloses the usage of purchasing movie tickets via a portable device stored on the portable device without needing a hard copy while the PC requires a printout copy of the bar code (p. 10, lines 19-32). This would lead one of ordinary skill in the art to search to combine these two methods eventually arriving at Devarics and its novel method of transferring WAP printing data to a wireless printer via an infrared link (Figure 1).

Klear in view of Devarics does not specifically disclose receiving information identifying a specific printer on which to print the permanent record, and the printing server including stored print data for optimizing the quality of prints printed on various specific printers. In analogous art, Cottrell discloses another method to print information which includes receiving information identifying a specific printer on which to print the permanent record (presentation to a downstream utilization element, an inherent feature to this is to receive information from a source to determine which to downstream element to transmit the data) (col. 5, lines 27-33; col. 8, lines 59-63) as well as the

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printing server (i.e. image processing system 10) including stored print data for optimizing the quality of prints (i.e. modifying the image data to determine the impact that image processing operations will have on perceived image quality) printed on various specific printers (col. 6, lines 39-67; col. 8, lines 30-63). It would have been obvious to one of ordinary skill in the art to combine the teaching of Cottrell with Klear and Devarics in order to provide an optimal print quality for a plurality of downstream devices without having to guess as to how much to adjust the image to achieve an optimal image output by the rendering device as supported by Cottrell (col. 1, lines 53-56).

Claim 2 is rejected for similar reasons as stated above.

Referring to claim 3, Klear discloses completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said at least one of a plurality of remote servers (p. 10, lines 28-32).

Referring to claim 5, Klear discloses sending a message confirming that the request for service has been fulfilled (p. 10, lines 28-32).

Referring to claim 7, Klear discloses the receiving server is the service server (p. 10, lines 28-32).

Claim 9 is rejected for similar reasons as stated above.

Referring to claim 11, Klear discloses the requested service is an event ticket (p. 10, lines 28-32).

Referring to claim 12, Klear discloses the requested service is a coupon (the Office takes the term coupon as a tangible entity which can be exchanged for goods or services, as in the printed bar code) (p. 10, lines 28-32).

Claims 17-20, 22-24, and 30 are rejected for similar reasons as stated above.

Claims 4, 8, 13-15, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear in view of Devarics in view of Cottrell as stated in the claims above, and further in view of Fidler (USPN 6,725,051).

Referring to claim 4, Klear in view of Devarics in view of Cottrell discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Cottrell do not specifically disclose receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device. In analogous art, Fidler discloses another location based service provider which discloses receiving at the receiving server data on the location of the mobile device,

said data generated by means for determining the location of the device (col. 2, lines 3-14). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Cottrell in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claim 8 is rejected for similar reasons as stated above.

Referring to claim 13, Klear discloses the requested service is a location based service (i.e. a movie theater) (e.g. abstract).

Referring to claim 14, Klear in view of Devarics in view of Cottrell discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Cottrell do not specifically disclose the determining the location of the devices is a device-based method. Fidler discloses that the determining the location of the device is a device-based method (col. 2, lines 10-12). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Cottrell in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user,

which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Referring to claim 15, Klear in view of Devarics in view of Cottrell discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Cottrell do not specifically disclose the determining the location of the devices is a network-based method. Fidler discloses that the determining the location of the device is a network-based method (col. 7, lines 1-30). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Cottrell in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claims 25-28, and 36 are rejected for similar reasons as stated above.

(10) Response to Argument

Appellant's arguments presented in the Brief have been fully considered but are not persuasive.

Appellant argues, in substance, that (1) Ishizuka does not teach or suggest producing "optimal quality print for the specific printer" within the meaning of that language as used in the present claims, as the conclusion the Examiner draws is based on an erroneous interpretation of the teaching of the reference (Issue A, page 14), and (2) Fidler does not teach or even remotely suggest providing the interactive dialog between a user and service provider to obtain a location based service for the user and also to allow the user to make an optimal quality printed record of the service at the location of the mobile device (Issue B, page 18, ¶ 2).

As to point (1) the Office respectfully disagrees with Appellant's rationale that the Examiner misconstrued the Ishizuka reference. Appellant points out that page 11, lines 11-24 of the present specification describes in detail techniques for producing an image of optimal quality at a specific printer. However, it is noted that the features upon which applicant relies (i.e., techniques described and claimed in patents 5,684,484, 6,128,415, and 6,937,365 as Appellant relies upon) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, these techniques described in these patents were not applicable as limitations and were not read into the claims. By this rationale, the rejection should be maintained.

As to point (2), the Office respectfully disagrees again with Appellant's rationale. Appellant does not claim an "interactive dialog between a user and service provider to obtain a location based service", rather receiving...data on the location of the mobile device, said data being generated by means for determining the location of the device" (claim 4). Again it should be stated that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Appellant describes this particular feature on page 12, first paragraph, particularly lines 7-13 where it is stated that the location determining means can be network based or device based and that GPS methods are an exemplary form of device based methods. Fidler discloses generating location based data using a real time location system (RTLS) as is shown at col. 5, lines 26-40 and Figure 1, ref. 6. As shown in col. 2, lines 10-14, a PDA uses RTLS to determine its location, and then query a network service provider to determine what restaurants are close by. One of ordinary skill in the art would understand that in order for the network service provider to determine what restaurants are close by, the network service provider would need to receive the location based data from the PDA. By this rationale, the rejection should be maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte dismissal of the appeal* as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

JEA

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

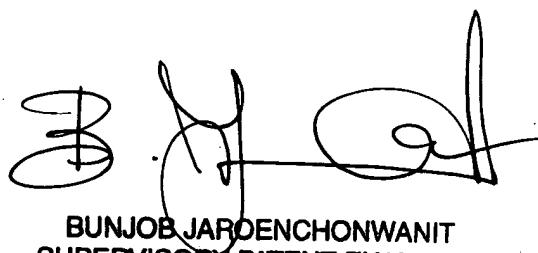
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